

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-244876	7/12/2019

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer United States Postal Service		b. Tel. No. 713-937-9108
		c. Cell No.
d. Address (street, city, state ZIP code) 7050 Brookhollow West Houston, TX 77040	e. Employer Representative (b) (6), (b) (7)(C)	f. Fax No. 713-937-3323
		g. e-Mail
		h. Dispute Location (City and State) Houston, TX
i. Type of Establishment (factory, nursing home, hotel) Mail delivery	j. Principal Product or Service Mail and parcels	k. Number of workers at dispute location 100

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

During the past six months, the Employer has failed and refused to bargain in good faith with the Union by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by NALC, Branch 283, as follows:

1. Date of the request: (b) (6), (b) (7)(C) 19
2. Requestor's name and title: (b) (6), (b) (7)(C)
3. Name and title of person to whom the request was submitted: (b) (6), (b) (7)(C)
4. Form of request: Written Form 13 to process a grievance. Refuse to sign.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

National Association of Letter Carriers, Local 283

4a. Address (street and number, city, state, and ZIP code) 7415 Woodoak Dr. Houston, TX 77040	4b. Tel. No.
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

NALC

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)
By (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.
(signature or representative (b) (6) person making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	Date: 7-10-19	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St - Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928



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Mobile App

July 16, 2019

(b) (6), (b) (7)(C)

NATIONAL ASSOCIATION OF LETTER
CARRIERS, LOCAL 283, AFL-CIO
2414 BROADWAY ST
HOUSTON, TX 77012

Re: United States Postal Service
Case 16-CA-244876

DEAR (b) (6), (b) (7)(C)

The charge that you filed in this case on July 12, 2019 has been docketed as case number 16-CA-244876. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith St., Ste. 1545, Houston, TX 77002-8051. If this Board agent is not available, you may contact Resident Officer STEVE E. MARTINEZ whose telephone number is (210)417-4062.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

July 16, 2019

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc:

(b) (6), (b) (7)(C)

Copy of charge only sent to:

PETER D. DECHIARA, ATTORNEY
COHEN WEISS AND SIMON, LLP
900 THIRD AVE, 21ST FL
NEW YORK, NY 10022-4869



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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July 16, 2019

RODERICK D. EVES, DEPUTY MANAGING
COUNSEL
UNITED STATES POSTAL SERVICE
(LAW DEPARTMENT - NLRB UNIT)
1720 MARKET ST
RM 2400
SAINT LOUIS, MO 63155-9948

Re: United States Postal Service
Case 16-CA-244876

DEAR MR. EVES:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner ALEX HERNANDEZ whose telephone number is (346)227-1372. The mailing address is 1919 Smith St., Ste. 1545, Houston, TX 77002-8051. If the Board agent is not available, you may contact Resident Officer STEVE E. MARTINEZ whose telephone number is (210)417-4062.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 16, 2019

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy L. Watson". The signature is fluid and cursive, with the first name "Timothy" and last name "Watson" clearly distinguishable.

TIMOTHY L. WATSON
REGIONAL DIRECTOR

Enclosure: Copy of Charge

cc: (b) (6), (b) (7)(C)
UNITED STATES POSTAL SERVICE
7050 BROOKHOLLOW W DR
HOUSTON, TX 77040-9998

U.S. Postal Service
Routing Slip

To	Dept., Office or Room No.	Approval
1. <i>Mgmt</i> (b) (6), (b) (7)(C)		<input type="checkbox"/> Approval
2.		<input type="checkbox"/> Signature
3.		<input type="checkbox"/> Comment
4.		<input type="checkbox"/> See Me
5.		<input type="checkbox"/> As Requested
6.		<input type="checkbox"/> Information
		<input type="checkbox"/> Read and Return
		<input type="checkbox"/> Read and File
		<input type="checkbox"/> Necessary Action
		<input type="checkbox"/> Investigate
		<input type="checkbox"/> Recommendation
		<input type="checkbox"/> Prepare Reply

From (b) (6), (b) (7)(C)

Extension

Room No.

Date *7-10-19*

Remarks

I wish to see my union steward regarding a possible grievance.

7-10-19
(Time & Date)

(b) (6), (b) (7)(C)
(Employee's Signature)

Issue: *Article 17.3 And Article 31.3 National Agreement*
Request Clerk rings 5 days complaining about
pay was incorrect

You may see your steward at _____
(Date & Time)

(Supervisor's Signature)

(Date)

Remarks (If delay, comments required)

Request a signature from (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) refused to sign at 12:20 pm from 13 to process a grievance

Steward Notification: *Refused To Sign* (b) (6), (b) (7)(C) *-19*
(Steward Signature & Date)

INSTRUCTIONS: COMPLETE ORIGINAL & TWO COPIES. ORIGINAL FOR RECORDS (MANAGEMENT). COPIES TO STEWARD AND EMPLOYEE. WRITE/PRINT SO LEGIBLE

Davis, Cynthia

From: Retarus Faxolution <gla.from@retarus.net>
Sent: Friday, July 12, 2019 3:36 PM
To: FSM-Houston
Subject: fax from " for 'NLRB'
Attachments: faxreceive.2019-07-12-16-35-57_1FF.pdf

overall result OK
calling party phone number 0012818947412 calling party ID "
called party phone number +12812285619 called party ID 'NLRB'
call setup 2019-07-12-16.35.57
call duration 133
page count 3
transfer rate 14400 bps
resolution low



Fax Cover Sheet

Date 7-12-19 Number of pages 3 (including cover page)

To:

From:

Name National Labor Relation Board Name (b) (6), (b) (7)(C)

Company _____ Company _____

Telephone _____ Telephone (b) (6), (b) (7)(C)

Fax 281-228-5619

Comments _____



Fax - Local Send



Fax - Domestic Send



Fax - International Send

fedex.com 1.800.GoFedEx 1.800.463.3339



July 17, 2019

Alex Hernandez, Field Examiner
National Labor Relations Board, Region 16
819 Taylor St. Rm 8A24
Fort Worth, TX 76102-6107

VIA E-FILE

RE: UNFAIR LABOR PRACTICE CHARGE
Houston, TX 77040
Case No.: 16-CA-244876
Our Ref.: NL201946595

Dear Mr. Hernandez:

Notice is hereby given that the United States Postal Service is represented by counsel in the above-entitled action. Joy D. Thompson of the Law Department's NLRB Unit is assigned to investigate and respond to this charge. As the designated representative, please direct service of all documents and written communications relating to this proceeding to Ms. Thompson at the address below. Additionally, Ms. Thompson may be reached at 303-313-5574 or via email at Joy.D.Thompson@usps.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roderick D. Eves".

Roderick D. Eves
Deputy Managing Counsel



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

August 19, 2019

RODERICK D. EVES, DEPUTY
MANAGING COUNSEL
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT – NLRB UNIT
1720 MARKET ST, RM 2400
SAINT LOUIS, MO 63155-9948

JOY D. THOMPSON, NLRB SPECIALIST
UNITED STATES POSTAL SERVICE
LAW DEPARTMENT – NLRB UNIT
1720 MARKET ST, RM 2400
ST. LOUIS, MO 63155-9948

Re: United States Postal Service
Case 16-CA-244876

DEAR MR. EVES, MS. THOMPSON:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, reading "Timothy L. Watson".

TIMOTHY L. WATSON
REGIONAL DIRECTOR

cc: (b) (6), (b) (7)(C)

NATIONAL ASSOCIATION OF
LETTER CARRIERS, LOCAL 283,
AFL-CIO
2414 BROADWAY ST
HOUSTON, TX 77012

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

UNITED STATES POSTAL SERVICE
7050 BROOKHOLLOW W
HOUSTON, TX 77040-9998

Case Name: United States Postal Service
Case No.: 16-CA-244876
Agent: Humberto A. Hernandez, FX

CASEHANDLING LOG

[illegible]

Case Name: United States Postal Service
Case No.: 16-CA-244627
Agent: Humberto A. Hernandez, FX

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
<i>Case related to 16-CA-244876 & 16-CA-244940; all LOGs for all three cases will be contained herein</i>			
07.08.2019	(b) (6), (b) (7)(C)	Telephone	Called CP for AFF; LVM.
07.09.2019	(b) (6), (b) (7)(C)	Telephone	Called CP for AFF; LVM.
07.15.2019	(b) (6), (b) (7)(C)	Telephone	Called CP for AFF; LVM w/LOC.
07.15.2019	(b) (6), (b) (7)(C)	E-mail	Issued CP follow-up e-mail w/LOC; (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
07.18.2019	(b) (6), (b) (7)(C)	Telephone	CP called; stated (b) (6), (b) (7)(C) will be unable to make (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) is not available during business hours again until (b) (6), (b) (7)(C) when (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) I want to take (b) (6), (b) (7)(C) sooner; CP agreed to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) to e-mail me any additional information (b) (6), (b) (7)(C) wants considered.
07.21.2019	(b) (6), (b) (7)(C)	E-mail	CP stated (b) (6), (b) (7)(C) received some information on 07/19 and provided DEV.
07.22.2019	(b) (6), (b) (7)(C)	Telephone	Called CP for (b) (6), (b) (7)(C) LVM; CP returned my call; LVM; returned CP's call; LVM; CP returned my call; advised (b) (6), (b) (7)(C) was on the phone with someone regarding a different matter (involving a NBS); told (b) (6), (b) (7)(C) I could try

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			calling (b) (6), (b) (7)(C) back or (b) (6), (b) (7)(C) CP said (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
07.26.2019	(b) (6), (b) (7)(C)	Telephone	Called CP to tell (b) (6), (b) (7)(C) I was unexpectedly out today; unable to LVM.
08.01.2019	(b) (6), (b) (7)(C)	Telephone	Called (b) (6), (b) (7)(C) to try to (b) (6), (b) (7)(C) LVM.
08.08.2019	(b) (6), (b) (7)(C)	Telephone	Called (b) (6), (b) (7)(C) to try to (b) (6), (b) (7)(C) LVM w/LOC.
08.13.2019	(b) (6), (b) (7)(C)	Telephone	Called (b) (6), (b) (7)(C) to try to (b) (6), (b) (7)(C) LVM w/LOC.
08.14.2019	(b) (6), (b) (7)(C)	Telephone	Called (b) (6), (b) (7)(C) to try to (b) (6), (b) (7)(C) CP answered; (b) (5), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) CP made oral request to WDR CHGs (b) (5), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) advised (b) (6), (b) (7)(C) will process WDR requests immediately and will assist (b) (6), (b) (7)(C) to re-file if (b) (6), (b) (7)(C) wishes to do so.
08.21.2019	(b) (6), (b) (7)(C)	In-Person	(b) (6), (b) (7)(C) appeared today at the HRO as an IO visitor; (b) (5), (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Date	Person Contacted	Method of Contact	Description of Contact or Activity
			(b) (5), (b) (6), (b) (7)(C) 